

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 QUINTNEY MARTIN,

Plaintiff,

5 v.

6 SMITH'S FOOD & DRUG CENTERS, INC.,

7 Defendant.

Case No. 2:22-cv-00833-APG-DJA

**Order Accepting Magistrate Judge's  
Recommendation on Motion for Sanctions**

[ECF Nos. 63, 75]

9 Plaintiff Quintney Martin moves for sanctions for defendant Smith's Food's failure to  
10 preserve surveillance video that allegedly would show the incident giving rise to this lawsuit.  
11 ECF No. 63. Magistrate Judge Albregts recommends that the motion be granted in part, such  
12 that the parties be permitted to present evidence and argument to the jury about Smith's  
13 destruction of the video. ECF No. 75. Martin objected to that recommendation (ECF No. 76),  
14 Smith's filed an opposition to the objection (ECF No. 81), and Martin filed a reply (ECF No.  
15 82). Martin did not obtain leave of court to file a reply so I strike the reply because it violates  
16 Local Rule IB 3-2(a), which states that, for objections to a magistrate judge's recommendation,  
17 "[r]eplies will be allowed only with leave of court."

18 I have conducted a de novo review of Judge Albregts' recommendation as required by  
19 Local Rule IB 3-2(b). Judge Albregts' Report and Recommendation sets forth the proper legal  
20 analyses and factual bases for the decision.

21 I THEREFORE ORDER that Martin's reply (**ECF No. 82**) is stricken.

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1 I FURTHER ORDER that Magistrate Judge Albregts' Report and Recommendation  
2 **(ECF No. 75) is accepted** and approved in its entirety. Martin's motion for sanctions **(ECF No.**  
3 **63) is granted in part.** The parties are permitted to present evidence and argument to the trier of  
4 fact regarding the loss of the surveillance footage video, and the trier of fact will decide what  
5 impact, if any, that has on the verdict.

6 Dated: August 20, 2024.

  
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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE